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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,057	09/01/2000	Gil LaVean	1-2-79.2US	5501

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 06/01/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/653,057

**Applicant(s)**

LAVEAN, GIL

**Examiner**

Steven HD Nguyen

**Art Unit**

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/16/04 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 32-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilling (USP 5365544) in view of O'Neill (USP 4744083) and Bolgiano (WO 96/08908).

Schilling discloses a wireless CDMA system for geographically locating a mobile terminal, the system comprising a plurality of base stations with fixed locations (Col. 12, lines 23-31), each base station comprising means for transmitting a first spread spectrum signal having an associated code (Col. 3, lines 30-52); means for receiving a second spread spectrum signal having an associated code (Col. 3, lines 30-52); means for determining a distance between the mobile terminal and that base station based on in part a received timing of the received second signal (Col 3, lines 19-30); and the mobile terminal comprising means for receiving the first spread spectrum signals at the mobile terminal (Col. 3, lines 30-52); means for each received

Art Unit: 2665

first spread spectrum signal, transmitting the second spread spectrum signal having its associated code time synchronized with that received first spread spectrum signal (Col. 3, lines 30-52 and col. 14, lines 28-44) and base station for comparing the timing of adjusted second spread spectrum signal associated code and the first spread spectrum signal associated code (Fig 5, Ref 530). However, Schilling fails to disclose means for transmitting the delay determination to the mobile terminal; and means for receiving the delay determination from each base station; and means for determining the mobile terminal's geographic location based on in part round trip delay information and the base stations' fixed locations; synchronizing of the associated code with that received first spread spectrum signal is by despreading that received first spread spectrum signal using the first spread spectrum signal associated code, processing that despread received first spread spectrum signal by delay lock loop and adjusting a timing of the first spread spectrum signal associated code used for despreading and a clock pulse in response to the delay lock loop and adjusting a timing of the associated code of the second spread spectrum signaling response to the adjusted timing of the clock pulse and first spread spectrum associated code; base station for comparing the timing of adjusted second spread spectrum signal associated code and the first spread spectrum signal associated code. In the same field of endeavor, O'Neill discloses a method and system for detecting a location based on synchronizing of the associated code with that received first spread spectrum signal is by despreading that received first spread spectrum signal using the first spread spectrum signal associated code, processing that despread received first spread spectrum signal by delay lock loop and adjusting a timing of the first spread spectrum signal associated code used for despreading and a clock pulse in response to the delay lock loop and adjusting a timing of the associated code of the second spread spectrum signaling

Art Unit: 2665

response to the adjusted timing of the clock pulse and the associated code of first spread spectrum (Fig 12-13, the received spread spectrum signal is despread by the receiver by using delay lock loop for adjusting the timing of the associated code of first signal and clock pulse for using to generate an associated code of the second signal for transmitting; See Fig 13, the start preamble clock from a synchronized timer used to clock the PN generator in the transmitter in order to generate a second spread spectrum message having an associated code and col. 11, lines 62 to col. 13, lines 12, Fig 16-18 are used to calculating the round trip delay). However, Schilling and O'Neill fail to disclose means for transmitting the delay determination to the mobile terminal; and means for receiving the delay determination from each base station; and means for determining the mobile terminal's geographic location based on in part the round trip delay information and the base stations' fixed locations. In the same field of endeavor, Bolgiano discloses means for transmitting the delay determination to the mobile terminal (Page 33, Par 3); and means for receiving the delay determination from each base station (Page 33, Par 3); and means for determining the mobile terminal's geographic location based on in part the round trip delay information and the base stations' fixed locations (Pages 26-35).

Since, Schilling suggests a tracking and acquisition device for acquiring timing and O'Neill suggests the use of delay lock loop for acquiring timing for adjusting the timer in order to generate a PN code for transmitting to the other receiver in order to determine the geolocation of the communication device based on round trip delay. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of transmitting the delay to the mobile for determining the position of the mobile as disclosed by Bolgiano's system and method and a delay lock loop for using to adjusting timing of the clock

Art Unit: 2665


pulse for generating a reverse PN code as disclosed by O'Neill's system and method into Schilling's method and system. The motivation would have been to synchronize the spread code and determine the path delay.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
5/21/04